

Message Text

CONFIDENTIAL

PAGE 01 STATE 007524

14

ORIGIN EUR-08

INFO OCT-01 SS-14 ISO-00 SCA-01 SCS-01 DHA-02 L-01 SP-02

/030 R

DRAFTED BY EUR/EE:TEDEAL:DPB

APPROVED BY EUR:JAARMITAGE

C:WSHINN

L/EUR:DSMALL

SCA:LWALENTYNOWICZ

S/S :JPMOFFAT

----- 067005

R 130001Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW

C O N F I D E N T I A L STATE 007524

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PL, US

SUBJECT: DIVIDED FAMILIES

REF: A. STATE 256101 B. WARSAW 6994 C. OTTO/BIALY

MEMCON OF 12/4/75

1. IN REFTTEL A. WE EXPRESSED OUR CONCERN ABOUT THE GOP'S
REFUSAL TO ACCEPT AN AIDE MEMOIRE IN THE ZALUSKY CASE
WHICH, WE NOTED, CONSTITUTED AN OFFICIAL REPRESENTATION
BY THE USG ON BEHALF OF AN AMERICAN CITIZEN. WE HAVE NOW
RECEIVED A COPY OF ALLAN OTTO'S MEMCON (REF C) WITH
JULIUSZ BIALY, ACTING DIRECTOR OF THE MFA'S DEPARTMENT OF
CONSULAR AFFAIRS, DURING WHICH BIALY RETURNED AN AIDE
MEMOIRE THE EMBASSY HAD ATTEMPTED TO PRESENT CONCERNING
THE APPLICATION BY MRS. MARIA ZYBOROWICZ AND HER FAMILY
FOR EXIT DOCUMENTATION. WHILE WE CANNOT REALISTICALLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 007524

EXPECT THAT ALL CASES WE PRESENT TO THE MFA WILL BE

RESOLVED POSITIVELY, WE DO BELIEVE THAT THE MFA HAS AN OBLIGATION AT LEAST TO REVIEW THOSE CASES THAT WE SUBMIT FOR THEIR CONSIDERATION. THIS OBLIGATION PRECLUDES AT LEAST SUMMARY ACTION BY THE MFA IN REFUSING TO ACCEPT AN AIDE MEMOIRE, AN ACT WHICH IS INSULTING AND OFFENSIVE AND INCONSISTENT WITH THE GENERALLY FRIENDLY AND CONSTRUCTIVE NATURE OF OUR BILATERAL RELATIONSHIP. AS WAS

POINTED OUT IN PRIOR CONTACTS WITH THE MFA, WE UNDERSTAND THAT THE GOP MAY NOT ALWAYS BE ABLE TO ACCEDE PROMPTLY TO OUR REQUESTS, BUT WE CONSIDER OURSELVES ENTITLED TO A FAIR AND ORDERLY REVIEW OF EACH CASE WITH FULL CONSIDERATION GIVEN TO OUR POSITION. THEREFORE, UNLESS THE AMBASSADOR WOULD RATHER FIRST REVIEW THIS MATTER ORALLY AT HIGHER MFA LEVEL, THE FOLLOWING NOTE SHOULD BE DELIVERED TO THE MINISTRY AT EARLIEST CONVENIENT DATE.

2. QUOTE

ON OCTOBER 21, 1975, AN EMBASSY OFFICER MET WITH AN OFFICIAL FROM THE MINISTRY'S DEPARTMENT OF CONSULAR AFFAIRS AND ATTEMPTED TO PRESENT AN AIDE MEMOIRE ASKING THE MINISTRY TO INFORM THE EMBASSY ABOUT THE STATUS OF THE APPLICATION OF MR. KAZIMIERZ ZALUSKY AND HIS FAMILY FOR POLISH EXIT DOCUMENTATION. MR. ZALUSKY'S SON IS AN AMERICAN CITIZEN RESIDING IN THE UNITED STATES. THE MINISTRY OFFICIAL EXPLAINED, HOWEVER, THAT HE COULD NOT ACCEPT THE AIDE MEMOIRE, BECAUSE IN THE POLISH GOVERNMENT'S VIEW IT WAS NOT A CASE INVOLVING THE REUNIFICATION OF FAMILIES. SIMILARLY, ON DECEMBER 4, 1975, THE MINISTRY RETURNED AN AIDE MEMOIRE THE EMBASSY HAD ATTEMPTED TO PRESENT CONCERNING THE APPLICATION FOR EXIT DOCUMENTATION BY MRS. MARIA ZYBOROWICZ AND HER HUSBAND AND CHILDREN. MRS. ZYBOROWICZ IS AN AMERICAN CITIZEN LIVING IN POLAND. THE EMBASSY WAS INFORMED THAT THE MINISTRY COULD NOT AGREE THAT THE UNITED STATES HAD THE RIGHT TO INTERVENE IN CASES INVOLVING PERSONS WHO LIVED IN POLAND AND WHO UNDER POLISH LAW WERE CONSIDERED TO BE POLISH CITIZENS.

THE EMBASSY WISHES TO EXPRESS ITS SINCERE REGRET THAT THE MINISTRY HAS REFUSED TO ACCEPT THE AFOREMENTIONED AIDES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 007524

MEMOIRE WHICH, IT IS NOTED, CONCERN THE DESIRE OF AMERICAN CITIZENS TO HAVE THEIR FAMILIES JOIN THEM IN THE UNITED STATES OR WHO THEMSELVES WISH TO LEAVE POLAND.

WE BELIEVE THAT THE MINISTRY'S POSITION IN THESE INSTANCES, PARTICULARLY IN SUMMARILY REJECTING THE AIDES MEMOIRE, IS INCONSISTENT WITH THE JOINT STATEMENT SIGNED BY PRESIDENT FORD AND FIRST SECRETARY GIEREK ON JULY 28,

1975, WHICH STATES THAT "BOTH SIDES AGREE THAT, IN THE SPIRIT OF THE TRADITIONAL FRIENDSHIP BETWEEN THE TWO NATIONS, THEY WILL CONTINUE THEIR EFFORTS TO SOLVE HUMANITARIAN PROBLEMS AFFECTING THEIR CITIZENS", AND ALSO IS NOT IN ACCORD WITH THE SPIRIT OF THE PROVISIONS ON HUMAN CONTACTS CONTAINED IN THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE. FURTHER, THE ACCEPTANCE OF OUR AIDES MEMOIRE WOULD NOT HAVE PREJUDICED THE MINISTRY'S POSITION AND THEIR REFUSAL IS INCOMPATIBLE

WITH GOOD FAITH CONSIDERATION OF OUR POINT OF VIEW. THE EMBASSY HOPES THAT IN THE INTEREST OF THE CONTINUED IMPROVEMENT OF RELATIONS, IN LIGHT OF THE JOINT STATEMENT OF JULY 28, 1975, AND IN THE SPIRIT OF THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE, THE POLISH AUTHORITIES WILL AGREE TO REVIEW THE CASES OF MR. ZALUSKY AND MRS. ZYBOROWICZ AND, WHERE POSSIBLE AND APPROPRIATE, GRANT THEM AND THEIR FAMILIES PERMISSION TO EMIGRATE. WE HAVE ATTACHED SPECIFIC IDENTIFYING DATA ABOUT THESE CASES.

UNQUOTE
KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPATRIATION, IMMIGRANTS, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 JAN 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE007524
Document Source: CORE
Document Unique ID: 00
Drafter: TEDEAL:DPB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760011-0739
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760162/aaaaccuh.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 75 STATE 256101, 75 WARSAW 6994
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2004 by greeneet>; APPROVED <26 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DIVIDED FAMILIES
TAGS: PFOR, SHUM, PL, US
To: WARSAW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006